

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

SHANNON PHILLIPS,

Plaintiff,

v.

STARBUCKS CORPORATION
d/b/a STARBUCKS COFFEE
COMPANY

Defendant.

CIVIL ACTION NO.: 2:19-cv-19432

Hon. Joel H. Slomsky, U.S.D.J.

**PLAINTIFF’S REVISED CALCULATION OF PROPOSED DAMAGES IN
CONNECTION WITH ITS MOTION TO AMEND JUDGMENT TO INCLUDE
COURT-DETERMINED ECONOMIC LOSS, PREJUDGMENT INTEREST AND
ATTORNEYS’ FEE & COSTS**

Pursuant to Fed. R. Civ. P. 59(e), Plaintiff, Shannon Phillips, by and through her undersigned counsel, hereby moves this Court for an Order amending the judgment to include the Court-determined economic loss award, prejudgment interest and attorneys’ fees & costs award. In support thereof, Plaintiff submits the following:

1. On June 12, 2023, following a six (6) day trial, the jury in this matter found that Defendant, Starbucks Corporation d/b/a Starbucks Coffee Company, intentionally discriminated against Plaintiff because of her race in violation of both federal and New Jersey state law [Dkt. Ent. 150].
2. The jury awarded Plaintiff \$600,000 in compensatory damages and \$25,000,000 in punitive damages against Defendant [Dkt. Ent. 150].
3. The jury’s verdict did not include any award of backpay or front pay (“economic loss”) as the Parties stipulated prior to trial that this measure of damages would be determined by the Court.

4. On June 15, 2023, this Court issued an Order awarding judgment of \$600,000 in compensatory damages and \$25,000,000 in punitive damages in favor of Plaintiff and against Defendant (“Order of Judgment”) [Dkt. Ent. 153].
5. Following the jury’s verdict, this Court directed the Parties to attempt to reach a stipulation as to Plaintiff’s economic loss damages and that, in lieu of such stipulation, an economic loss hearing would be scheduled so that the Court could hear evidence from the Parties’ respective expert witnesses and fix an appropriate economic loss award.
6. The Parties were unable to reach a stipulation on Plaintiff’s economic loss damages.
7. On July 19, 2023, the Court held an economic loss hearing with counsel for the parties. [Dkt. Ent. 172].
8. The parties thereafter filed memoranda with the Court on the Economic Loss issue.
9. On August 18, 2023, after consideration of the Parties’ memoranda, and argument made at the economic loss hearing, the Court issued an order granting in part Plaintiff’s Motion to Amend Judgment as set forth below. [Dkt. Ent. 179].
10. Plaintiff submits the present revised calculation of damages in connection with its Motion to Amend the Judgment in accordance with the Court’s August 16, 2023 Order, which specified the following to be paid by Defendant to Plaintiff: \$1,053,133 in back pay damages; \$1,617,203 in front pay damages; and, \$66,419 in tax gross up damages and totaling \$2,736,755.¹ [Dkt. Ent. 179].
11. Prejudgment interest is mandated by the NJLAD under New Jersey Court Rule 4:42-11(b). As such, Plaintiff moves for the addition of \$125,122.86 for the prejudgment

¹ The Court’s Order specified an August 23, 2018 deadline for Plaintiff to file a “revised calculation of proposed damages.” The present Motion is being filed in connection with that instruction.

interest on the back-pay amount of \$1,053,133, which was calculated in accordance with the Rule. *See Blakey v. Continental Airlines*, 2 F. Supp. 2d 598, 609 (D.N.J. 1998).

12. As a prevailing Plaintiff under Title VII, Section 1981, and the NJLAD, Plaintiff is entitled to recover reasonable attorneys' fees and costs. *See* 42 U.S.C.S. § 2000e-5 (Title VII); 42 U.S.C. § 1988 (referencing, *inter alia*, Section 1981); N.J. Stat. 10:5-21.1 (NJLAD).

13. Plaintiff intends to file her Reply Brief in connection with her Petition seeking an award of those reasonable attorneys' fees and costs on August 23, 2023.

14. Because the Court's Order of Judgment does not include any award of prejudgment interest or reasonable attorneys' fees or costs, Plaintiff further submits her present Motion to amend the judgment to include prejudgment interest, and an award of attorneys' fees and costs fixed by the Court following the filing of the Reply Brief on that issue.

15. Plaintiff has timely filed her present Motion.

WHEREFORE, Plaintiff respectfully requests that this Court grant her present Motion and issue an Order in the form attached hereto.

Respectfully submitted,

CONSOLE MATTIACI LAW, LLC

Dated: August 23, 2023

By: /s/ Laura C. Mattiacci
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